



# **Durham County Misdemeanor Diversion Program for 16-17 year olds**

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Durham Police Department

April 4, 2014

# Why a Diversion Program for 16-17 year olds in Durham?

- North Carolina is one of only two states in the country that charges 16 year olds for misdemeanor crimes in adult criminal court.
- The impact of a criminal arrest or citation is public record and can indelibly harm a teenager's future.



# Durham Statistics for 16-17 year old misdemeanor offenders

- In 2012, 47 youth were placed on supervised probation, 90 on unsupervised probation, and 495 charges were dismissed with/out mandated program participation.
- Estimates from Durham LEO and NC Administrative Office of the Courts show between 501-531 young people ages 16-17 would have been eligible for the Durham County Misdemeanor Diversion Program.



# Consequences of Adult Allegations

- All arrest/allegations in the adult legal system can have a lifelong negative impact for a young person, even if the case is diverted.
- Direct Consequences – jail, probation, fines, etc
- Indirect or Collateral Consequences – denial of employment, denial of public benefits (including financial aid for college), loss of housing, loss of professional licenses, deportation, etc.



# Support in Durham

The Durham County Misdemeanor Diversion Program for 16-17 year olds is endorsed and supported by: Chief District Court Judge Morey, Criminal Justice Resource Center, Police Department, Sheriff Department, District Attorney's Office, Public Defender's Office, Carolina Justice Policy Center, Crime Cabinet, Criminal Justice Advisory Committee, Department of Social Services, BECOMING/Alliance, and local community providers.



# Who is Eligible?

- Any 16-17 year old first time misdemeanor offender (with exception of firearms offenses, sex offenses, and traffic matters).
- Once Officer determines there is probable cause and verifies youth is a first time offender, an Incident Report (IR) will be done for youth instead of making an arrest.



# Where does the IR go?

- The referral form will be sent directly to Kelly Andrews and she will double check to ensure youth is a first time offender.
- Youth/Parent will contact Kelly for screening within 48 hours of IR being issued.
- Following screening, youth is given a Diversion Court Date and referred to a diversion program.



# Durham PD Specifics

- The officer will verify the youth meets the criteria for the program
- The officer will generate an IR/OCA.
- The officer will download, print out, and complete the referral letter. A electronic copy will also be filled out and emailed to the program coordinator. The form can be found at [www.dpdmdc.com/forms.html](http://www.dpdmdc.com/forms.html)





# Durham PD Specifics continued

- The officer will give the youth a “post card” and explain its contents with an emphasis on contacting the coordinator within 48 hours of referral. A copy of the post card can be found on [www.dpdmdc.com/forms.html](http://www.dpdmdc.com/forms.html).
- Finally the officer will complete a very detailed report and place a copy in a manila envelope with the referral form to be turned into their Lieutenant within 48 hours.
- These Misdemeanor Diversion Program (MDP) packets will be scanned and sent to the program coordinator by their Lieutenant.



# Detailed Reports

- Detailed reports are imperative because they will be read by several civilians as well as a district court judge if the youth does not comply with Misdemeanor Diversion Program referral.
- Officers will be notified of MDP court dates and are encouraged to attend if they are able; however, it is not mandatory.



# Report Clearances

- If the report is being cleared on the patrol level the initial reporting officer should clear the case in the incident report “cleared by arrest/prosecution declined.” It is important to note in the narrative the case is being referred to the MDP.
- If the incident is being cleared by anyone else, a clearance supplement must be completed, showing a suggested status of Exceptional Clearance. When answering the 4 questions in the narrative common to all exceptional clearances, it should be noted on the last question dealing with the reason why we are not arresting the person is that prosecution is being declined via the MDP referral.
- It will be acceptable to document the clearance at the point of referral and not after the program has been successfully completed. If the program is not completed, the person will be charged and the status will get updated to a clearance by arrest.
- Note: the incident offense will still be underlying crime for which the referral is being made (i.e. shoplifting, possession of drug paraphernalia, etc.)



# Diversion Compliance

- Youth has 90 days to successfully complete their diversion program.
- Upon successful completion of recommended program, the program coordinator will notify involved law enforcement of completion date. If any youth does not comply or complete assigned program, the original referring officer will be notified and can opt to move forward in criminal court for prosecution.



# Requirements for a Successful Diversion

- All youth will be required to attend a Diversion Court session, with a Judge and prosecutor educating them about consequences of crime and taking responsibility for their actions.
- The specific diversion programs are: Teen Court, Mediation at CRC, Making a Change , Durham TRY (LIFT), Independent Living groups at Carolina Outreach, BECOMING (male groups), PROUD, and The Volunteer Center (community service).
- Any youth in need of further substance abuse and/or mental health services will be referred to BECOMING/Alliance or Carolina Outreach for an evaluation.



OCA/Case# \_\_\_\_\_

**Durham North Carolina Law Enforcement**

**Misdemeanor Diversion Program for 16-17 year olds**

**Referral Sheet**

Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Sex: \_\_\_\_\_ Race/Ethnicity: \_\_\_\_\_

Home address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_ Cell #: \_\_\_\_\_ Work#: \_\_\_\_\_

Incident Location: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_ AM/PM

1<sup>st</sup> Incident \_\_\_\_\_

2<sup>nd</sup> Incident \_\_\_\_\_

Officer's name: \_\_\_\_\_ Cell#: \_\_\_\_\_ Email \_\_\_\_\_

Parent notification Date: \_\_\_\_\_ Time \_\_\_\_\_ Youth Suspended for Incident: Yes \_\_\_\_\_ No \_\_\_\_\_

I agree to have this matter handled by the Misdemeanor Diversion Program (MDP). I understand there may be sanctions assigned by MDP. Additionally, I understand that I may be arrested and prosecuted for the offense(s) listed above if:

- I fail to contact the MDP Coordinator within 48 hours (919) 560-8292 and set up intake
- I fail to complete assigned diversion program within 90 days
- I am arrested for any other crime prior to successful completion of MDP

Youth signature: \_\_\_\_\_ Date: \_\_\_\_\_

Officer signature: \_\_\_\_\_ Date: \_\_\_\_\_



# Thank YOU for making a lifelong difference in the futures of our youth!

If you want more information or have questions please  
contact Kelly Andrews

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